

Beneficiary Frequently Asked Questions

Notice of Privacy Practices

Q: I received the Notice of Privacy Practices in the mail. What should I do now?

A: Read the Notice of Privacy Practices carefully and contact your local MTF Privacy Officer if you have any questions. Do not sign the Notice you received in the mail. The next time you go to your local MTF or clinic you will be asked to sign a medical record label acknowledging that you received the notice.

Q: Why is there a Notice of Privacy Practices?

A: The Notice of Privacy Practices (NoPP) is the Department of Defense's way of letting you know how your medical information may be used and disclosed, how you can get access to your information, what DoD is doing to protect your information, and what rights you have regarding release of your protected health information.

Q: How does this Notice change the protection of my health information?

A: The Military Health System providers and hospitals all have policies and procedures that protect the health information they possess about you. The application of these standards can vary from hospital to hospital because of the demands for this information. Most hospitals have been left to their best judgment as to what policies to adopt and how to apply standards for the use and sharing of health information. The Notice does not change your protections, instead our goal is to standardize your existing protections across the MHS.

Q: Will the Notice of Privacy Practices acknowledgement I sign at one military treatment facility be good at another?

A: Yes. Your acknowledgement of receipt of the Notice of Privacy Practices is only required once. The medical record label you sign at that time will indicate to every MTF that you have acknowledged receipt.

Q: Where do I go in order to get this Notice of Privacy Practices?

A: The Notice of Privacy Practices will be mailed to each TRICARE sponsor's home address. If for some reason you did not receive a copy, you may get one at your local MTF or view one on the local MTF website or the TRICARE website at www.tricare.osd.mil.

Q: If I sign my Notice of Privacy Practices acknowledgement in January 2003, but the law doesn't take effect until April 2003 (compliance date), can my provider use information he/she knows about me before April 2003?

A: Yes. For example, a provider that obtained authorization for use or disclosure for billing purposes would be able to draw on the data obtained prior to the compliance date and covered by the authorization form for all TPO activities.

Use and Disclosure of Protected Health Information

Q: Can I authorize the MTF to use or disclose my personal health information electronically?

A: Yes, if that method is available at your MTF. However the MTF may choose to require that you sign the authorization once it is agreed upon by you and the MTF.

Q: Do I have to authorize the MTFs to use my protected health information (PHI) for treatment, payment, and healthcare operation (TPO) purposes?

A: No. MTFs may use and disclose your PHI for treatment, payment and healthcare operation purposes without getting your authorization.

Q: If I have to see a provider quite often, do I have to authorize TRICARE to release my health information to him or her each time I visit?

A: No. The law allows your health information to be shared among providers providing treatment to you. You do not have to authorize the release of your health information in these instances.

Q: How do I access, inspect, amend or obtain a copy of my health information?

A: Submit a written request to your local MTF Privacy Officer.

Q: What if I decide to restrict a provider's access to my health information after I have received medical care? Can the provider still bill me even though I no longer want to be treated by that provider?

A: Yes. A health care provider that provides a health care service to you based on a previous permission to access your health information may bill for the service even if you immediately restrict his/her access after the service has been provided.

Q: Does a provider have to obtain my authorization to use my PHI before setting me up for a specialized appointment, scheduling surgery or other procedures?

A: No. MTFs may use and disclose your PHI for treatment, payment and healthcare operation purposes without getting your authorization.

Q: Will the authorization requirement limit my providers from talking to other providers about my condition?

A: No. MTFs may use and disclose your PHI for treatment, payment and healthcare operation purposes without getting your authorization. Consulting with another health care provider about your case falls within the definition of "treatment" and, therefore, your provider can talk to other providers about your care.

Q: Does a pharmacist have to obtain authorization to provide advice about over-the-counter medicines?

A: No. A pharmacist may provide advice about over-the-counter medicines without getting your prior authorization, provided that the pharmacist does not create or keep a record of your protected health information.

Q: Can I have a friend or family member pick up a prescription?

A: Yes, depending on the circumstances. A pharmacist may use professional judgment and experience to make a reasonable decision that it would be in your best interest to let another person pick up your prescription. For example, the fact that a relative or close personal friend arrives at a pharmacy and asks to pick up a specific prescription for an individual by name demonstrates that the person is involved in the individual's care. The pharmacist may give the filled prescription to the relative or friend.

Q: What if I have to go to the emergency room? Can the emergency room provider treat me even if I have not given my permission to use my health information?

A: Yes. If based on professional judgment obtaining an authorization would cause a delay in providing necessary treatment, the provider may use or disclose any PHI needed for emergency treatment. However, the provider must attempt to obtain authorization as soon as reasonably possible following treatment.

Q: What is the waiting period after I submit a request to either limit release of my information or allow release of information I had restricted previously?

A: This is dependent upon your request. The signed agreement between the patient and the MTF and/or TMA will include an effective date that the MTF or TRICARE can reasonably accommodate. This date may or may not be immediate.

Q: What is the difference between acknowledging the NoPP and authorizing the use or release of my PHI?

A: By providing signed acknowledgement of receipt of the NoPP you are verifying only that you have received a copy of the NoPP. By executing an authorization you are giving TRICARE permission to use and/or disclose your protected health information as described in the document.

Q: What is the difference between a “use” of my PHI and a “disclosure” of my PHI?

A: “Use” refers to the sharing of information within the MTF that maintains the PHI. A “disclosure” refers to when we share information with an organization other than the MTF maintaining the PHI.

Q: Can I stop my commanding officer from accessing my PHI?

A: No. The law specifically allows a military exemption. This means that the PHI of Armed Forces personnel may be used or disclosed for activities such as fitness for duty, determination of Department of Veterans Affairs benefits and disclosure to foreign authorities if you are a member of that foreign military service. However, the MHS is bound by law to release only the minimum amount of information and then only to those who need to know.

Q: Will I be told about any activity or request made by others to have my medical files?

A: No. The Privacy rule allows us to use and disclose your protected health information for treatment, payment and healthcare operations. We also may use and disclose this information in certain circumstances under the permitted uses and disclosures identified in the Notice of Privacy Practices. In some of these cases we are required to notify you when certain of these disclosures are made. However, you have a right to request a summary of all uses and disclosures of your PHI that are not related to treatment, payment or health care operations.

Q: Will I be able to hand carry my medical records from doctor to doctor?

A: This is addressed at the MTF level according to Service specific record management policies.

Q: Once a request for non-disclosure is made to TMA, is it effective immediately?

A: The signed agreement between the patient and the MTF or the patient and TMA will include an effective date that TRICARE can reasonably accommodate. This date may or may not be immediate.

Q: Will the TRICARE Service Center or claims processor have access to my medical files?

A: Yes, in the course of treatment, payment or healthcare operations but only that amount of health information necessary to meet their requirements.

Complaints

Q: What do I do if I think my information privacy rights have been violated?

A: Submit a written complaint to the CG Privacy Officer, the MTF Privacy Officer or the TMA Privacy Officer.

Q: How do I identify my MTF Privacy Officer?

A: You can call the general information number at your local MTF, view your MTF's website or call the HIPAA information line at 1-888-DOD-HIPA (1-888-363-4472).

Minors

Q: Do I have the right to see my children's medical records?

A: Generally parents, as their minor children's personal representatives, have access to information about the health and well-being of their children when law allows parents to make treatment decisions for the child.

There are two exceptions: (1) when the parent agrees that your child and his or her health care provider may have a confidential relationship, the child's provider is allowed to withhold information from you based on that agreement; and, (2) when the provider reasonably believes in his or her professional judgment that the child has been or may be subjected to abuse or neglect, or that treating the parent as the child's personal representative could endanger the child,

the provider is permitted not to treat the parent as the child's personal representative with respect to health information.

Q: Does the Notice provide rights for children to be treated without parental consent?

A: No. The Notice does not address consent to treatment. It only addresses access to health information, not the underlying treatment.

Q: If my child receives emergency medical care without my parental consent, can I get all information about my child's treatment and condition?

A: Generally, yes. Even though you did not provide consent to the treatment in this situation, under the Privacy Rule, you still are considered the child's personal representative. This would not be so only when the minor provided consent (and no other consent is required) or the treating physician suspects abuse or neglect or reasonably believes that releasing the information to the parent will endanger the child.